

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Kateri Aaliyah Mallissa Walker David, et al.,)
)
Plaintiffs,) Case No. 16 C 50369
)
vs.)
)
Grifolis, et al.,) Judge Philip G. Reinhard
)
Defendants.)

ORDER

For the reasons stated below, this case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted. Plaintiff's motion for attorney representation [4] is denied and her application to proceed in forma pauperis [3] is denied as moot.

STATEMENT-OPINION

Plaintiff, Kateri Aaliyah Mallissa Walker David (a/k/a Mallissa McPherson), pro se, brings this action against 21 defendants. She also names 20 individuals other than herself as plaintiffs. Plaintiff also filed an application to proceed in forma pauperis [3] and a motion for attorney representation [4].

Plaintiff used a fill in the blank complaint form¹, which she obtained from the collection of forms available to litigants in this court's clerk's office, to submit her complaint. The form she chose to use is the form designated for use by prisoners to submit their civil rights claims. Plaintiff is not a prisoner so her decision to use this form was not particularly helpful. The caption of the case lists as plaintiffs: Our Lady of the Sacred Heart Academy, Prince Henry Charles Albert David, Kateri Aaliyah Mallissa Walker David, St. Mary Oratory, Lula McPherson, Wardell Roseman Shaylon Walker, Robert Walker, Rockford First, Kemori Walker, Kaleb Walker, Kayla Walker, "collectively referred to as Pope Francis of Assisi United St. Kateri of UK Baptist Church Trust." She also lists Rockford Public Schools, Tracey Walker, Marissa McPherson, Wardell Roseman Jr., Tiawan Walker, Camari Walker, Keyondre Walker, Rosecrance and George Duo. These individuals and entities appear to be listed as plaintiffs (and the docket sheet reflects this) but it may be that they were intended to be listed as defendants. In

¹http://www.ilnd.uscourts.gov/_assets/_documents/_forms/_online/1983EDForm092007.pdf

the portion of the body of the complaint form provided for identifying the plaintiff, the plaintiff's name is listed as Pope Francis of Assisi United Trustee with an alias of "Mallissa McPherson listed." On the complaint's signature lines plaintiff has written "Princess Diana" and "Kateri Walker David".

Because plaintiff chose to use the form designed for prisoners, the form required a list of all lawsuits filed by the plaintiff in any state or federal court. On the line of the form for the name of the case and docket number she has written a number but crossed it off. The approximate date of the filing of that lawsuit is listed as "2010 to Current." The plaintiff in that case is listed as "Saint Kateri of UK Baptist Church Trustee." The case is listed as pending in the "17th District of Winnebago County" and the judge assigned to the case is listed as "Phillip G. Reinhard." The claim in that case is stated to be: "violation of civil procedures and habeas corpus act, civil rights act of 1964, conspiracy to commit murder, violation of federal procedures." The case is said to be "pending" and lists an approximate date of disposition as "5-2015."

Plaintiff's statement of her claim in its entirety is filled-in as follows: "On or about 9-11-01 I was struck by a vehicle on Shady Oaks and Rte 58 in Elgin Il to no reply. On or about 9-11-15 I filed a federal lawsuit naming defendants et al. On or about 12-25-2016 this case was settled."

Plaintiff's complaint fails to state a claim upon which relief can be granted. It is impossible to discern how any of the defendants might be liable to plaintiff for anything based on these statements. This case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.²

Plaintiff's motion for appointment of counsel is denied. "If a plaintiff makes a reasonable attempt to secure counsel, the court must examine whether the difficulty of the case - factually or legally - exceeds the particular plaintiff's capacity as a layperson to coherently present it." Childress v. Walker, 787 F.3d 433, 443 (7th Cir. 2015) (quotation marks and citation omitted). Plaintiff has not met the threshold burden. Her motion indicates she did not contact any attorneys about representing her. She states she contacted only the "United States District Court Clerk" seeking representation.

² Plaintiff filed two additional documents [6] and [7]. Document [6] appears to be a separate complaint against J.P. Morgan Chase Bank, N.A. It states: "Now comes forth plaintiff with questions pertaining to Federal [illegible] Banking practices in regards to an account belonging to Mallissa Rosemon McPherson . . . ordered by the Kane County, Illinois clerk to be dispersed as a certificate of deposit in May 2003." It is not possible to discern from this statement what the alleged claim is or why this court would have subject matter jurisdiction.

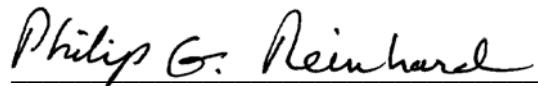
Document [7] is apparently offered as an affidavit by plaintiff in support of her complaint. It is a mishmash of statements concerning various entities and events. None of these statements relates to the subject of her complaint set forth in the statement of claim above.

Plaintiff has filed numerous actions in this court or which have been removed to this court. Case No. 16cv50375 is also being dismissed by the court today. All of the other cases plaintiff had in this court have been dismissed. Those cases are 14cv50186, 16cv3256, 14cv50093, 16cv50010, 11cv50138, and 11cv50149. The court views this case as frivolous and plaintiff is warned that future filings of this type may result in sanctions against the plaintiff.

For the foregoing reasons, this case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted. Plaintiff's motion for attorney representation [4] is denied and her application to proceed in forma pauperis [3] is denied as moot.

Date: 2/02/2017

ENTER:



United States District Court Judge

Notices mailed by Judicial Staff. (LC)